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TO: Examiner Gerald Gauthier
FIRM: United States Patent and Trademark Office
FACSIMILE NO.: (703) 872-9306
OUR REF.: EIP10.001APC
YOUR REF.: Application No.: 09/555,951
FROM: John M. Carson/Tiffany Miller
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TO: Examiner Gerald Gauthier, USPTO Art Unit 2545
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In the 5th and final Office Action mailed February 24, 2005, independent Claims 23, 35, and 42 were rejected under 35 U.S.C. § 102(e) as anticipated by Venturini. The Examiner stated that Venturini discloses "wherein the answerphone service enters either the first or the second mode of operation in dependence on information received during call establishment indicating whether the call is of international origin" (emphasis added), and the Examiner cited to column 8, lines 29-48 for support. Applicant respectfully submits that there is no discussion in Venturini of information received indicating whether a call is of international origin.

In addition, in the 2nd Office Action mailed June 6, 2003, the Examiner stated "Venturini fails to disclose the call is of international origin." Page 7, para. 5 (emphasis added). In the June 6, 2003 Office Action, independent Claims 23, 35, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Venturini in view of Wilson, wherein the Examiner cited to Wilson as teaching "the call is of international origin" and stated that "it would have been obvious ... to use the call is of international origin of Wilson in the invention of Venturini."

In the 4th Office Action (3rd Office Action was a restriction requirement), mailed May 21, 2004, the Examiner withdrew the rejection of the independent claims under 35 U.S.C. § 103(a) and rejected the independent claims under 35 U.S.C. § 102(a) based solely on Venturini.

Applicant respectfully submits that Venturini fails to teach an answerphone service entering a mode of operation "in dependence on information received during call establishment indicating whether the call is of international origin" as recognized by the Examiner in the June 6, 2003 Office Action.

Independent Claims 23, 35, and 42 are recited below for reference, wherein each independent claim recites the international origin feature discussed above.

Kochis, Martins, Olson & Bear LLP